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JAN 16 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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January 16, 2003 DOCKET FILE COPY ORIGINAL

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
44.5 12th Street, SW  
Washington, DC 20554

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Re: *Progeny LMS, LLC Petition for Rulemaking to Amend Part 90 of the Commission's Rules Governing Location and Monitoring Service To Provide Greater Flexibility, RM-10403.*

Oral ExParte Presentation

Dear Ms. Dortch

On Wednesday, January 15, 2003, representatives of Progeny LMS, LLC ("Progeny") met with Edmond J. Thomas, Chief Engineer of the Office of Engineering and Technology (OET), as well as other members of the staff of OET and of the Wireless Telecommunications Bureau. Progeny was represented by Albert Halprin, partner in Halprin Temple; Janice Obuchowski, President of Freedom Technologies, Inc., Michael B. McMains, of the law firm of McMains, Foster and Morse in Indianapolis; Mark MacDowell, an independent telecommunications engineer, and John Alden, Vice President of Freedom Technologies.

They met with Chief Engineer Thomas, Julius A. Knapp, Alan J. Scrimme, Geraldine Matisse and Karen E. Rackley of OET and James D. Schlichting, David Furth, Paul D'Ari, Richard Arsenault and Martin D. Liebman of the Wireless Telecommunications Bureau.

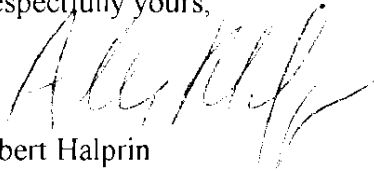
The meeting was held to discuss Progeny's above-captioned proposal for alterations in the Commission's Part 90 rules to accommodate greater flexibility for Location and Monitoring Service (LMS) licensees in the 902-928 megahertz band. The discussion focused on exploring potential methods or technical parameters to accommodate the needs of operators of unlicensed Part 15 devices, as well as LMS licensees, in the band. The discussion also covered the assumptions and conclusions presented in the white paper *LMS Compatibility with Part 15 Devices: The Case for Spectrum Flexibility*, a document filed by Progeny and referenced on the docket on October 8, 2002. The participants also discussed the "safe harbor" provision for Part 15 devices and the provision in Part 90.353 of the Commission's rules [C.F.R. § 90.353(d)] that

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multilateration LMS licensees show through actual field tests that their systems do not cause unacceptable levels of interference to Part 15 devices

In accordance with Section 1.1206(b) of the Commission's Rules, please accept this original and one copy for submission. Should you have any questions or concerns in connection with this submission, please contact me at (202) 371-9100.

Respectfully yours,



Albert Halprin  
Counsel

cc. Ed Thomas, OET  
Julius Knapp, OET  
Alan Scrima, OET  
Geraldine Matisse, OET  
Karen Rackley, OET  
James Schlichting, WTB  
David Furth, WTB  
Paul D'Ari, WTB  
Richard Arsenault, WTB  
Martin Liebman, WTB